

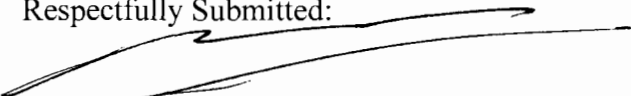
FILED 20 APR '15 10:45 USDC-ORE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

THE LANCE AND LINDA NEIBAUER	) Lower Ct., Case No.: 6:14-cv-01192-MC
JOINT TRUST, an Oregon Trust, by and	) Appellate Ct. Case No.
Through LANCE NEIBAUER, as trustee,	) AMENDED NOTICE OF APPEAL
Plaintiff,	)
	)
v.	)
	)
MICHAEL J. KURGAN, an individual,	)
Defendant,	)
_____	)

Notice is hereby given that MICHAEL J. KURGAN, PRO SE Defendant in the above named case, hereby files his Pro Se appeal to the United States Court of Appeals for the Ninth Circuit from the Final Summary Judgment and Order thereon entered in this action on the 16<sup>th</sup> Day of December, 2014, ECF 45 and ECF 46; the Order (ECF 18) Denying Defendant Michael J. Kurgan's Motion to Dismiss (ECF 15) and the Order (ECF 55) granting Plaintiff's Motion to amend or supplement that judgment (ECF 48, 49 & 50); AND for Lack of In Personam Jurisdiction all in favor of THE LANCE AND LINDA NEIBAUER JOINT TRUST, an Oregon Trust, by and Through LANCE NEIBAUER, as trustee Plaintiff / Appellee.

Respectfully Submitted:



\_\_\_\_\_  
MICHAEL J. KURGAN  
6538 Collins Avenue  
Unit 288  
Miami Beach, FL 33141  
Phone 305 496-8555  
Mail [n461bb@gmail.com](mailto:n461bb@gmail.com)

### CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served by means of US mail and email on:

MARKOWITZ, HERBOLD, GLAD & MEHLHAF, P.C.

Lisa A. Kaner

Suite 3000 Pacwest Center

1211 SW Fifth Avenue

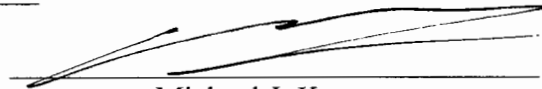
Portland, Oregon 97204-3730

Tel: 503 295-3085

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Email: LisaKaner@MHGM.com

Dated: 4/17/15

A handwritten signature in black ink, appearing to read "Michael J. Kurgan", written over a horizontal line.

Michael J. Kurgan

<b>UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON TRANSCRIPT DESIGNATION AND ORDER FORM</b> <small>(also for use in ordering FTR recording copy)</small>						
1. District Court Case No.: <b>6:14-CV-01192-MC</b>			2. Short Case Title: <b>NEIBAUER TRUST v. KURGAN</b>			
3. Court of Appeals Case No.:			4. <input type="checkbox"/> I do not intend to designate any portion of the transcript and will notify all counsel of this intention.			
5. NAME (Party Ordering Recording/Transcript) <b>MICHAEL J. KURGAN</b>		6. PHONE NUMBER <b>305 496-8555</b>		7. DATE <b>12/31/2014</b>		
8. MAILING ADDRESS <b>6538 COLLINS AVE, UNIT 288</b>		9. CITY <b>MIAMI BEACH</b>		10. STATE <b>FL</b>		11. ZIP <b>33141</b>
12. ORDER FOR: <input type="checkbox"/> PLAINTIFF NAME: _____ <input checked="" type="checkbox"/> DEFENDANT NAME: <b>MICHAEL J. KURGAN</b> <input checked="" type="checkbox"/> APPEAL <input type="checkbox"/> CRIMINAL <input type="checkbox"/> CRIMINAL JUSTICE ACT (CJA-24 VOUCHER ATTACHED) <input type="checkbox"/> NON-APPEAL <input type="checkbox"/> CIVIL <input type="checkbox"/> IN FORMA PAUPERIS (CJA-24 VOUCHER ATTACHED)						
<input type="checkbox"/> 13. RECORDING REQUESTED: Specify portion(s) and date(s) of proceedings(s). Note: PAYMENT: Financial arrangements must be made with the Clerk's Office before recording is prepared. Copy cost: \$30 for each proceeding. If payment is authorized under CJA, attach CJA-24 form.						
PROCEEDING(S)				DATE(S)		JUDGE
<input checked="" type="checkbox"/> 14. TRANSCRIPT REQUESTED: Specify portion(s) and date(s) of proceedings(s). Financial arrangements must be made before transcript is prepared. Transcriber will contact party. If payment is authorized under CJA, attach CJA-24 form.						
PROCEEDING(S)				DATE(S)		JUDGE
(1) Rule 16 Conference ECF 18 (2) Motion Hearing re Summary Jud. ECF 44				9/3/2014 12/3/2014		MC
TRANSCRIPT CATEGORY	ORIGINAL	FIRST COPY (to each party)	ADDITIONAL COPIES (to same party)	FORMAT REQUESTED (Each format is billed as a separate transcript copy.)		
				PAPER	ELECTRONIC	SPECIFY
ORDINARY: To be delivered within 30 days after receipt of this order.	\$3.65 per page	\$9.90 per page	\$6.60 per page	<input type="checkbox"/> Full Size <input type="checkbox"/> Condensed <input type="checkbox"/> A-Z word index	<input type="checkbox"/> Diskette <input type="checkbox"/> CD <input type="checkbox"/> E-mail	<input type="checkbox"/> ASCII <input checked="" type="checkbox"/> E-Transcript <input type="checkbox"/> Other
EXPEDITED: To be delivered within 7 days after receipt of this order.	\$4.85 per page	\$9.90 per page	\$6.60 per page	<input type="checkbox"/> Full Size <input type="checkbox"/> Condensed <input type="checkbox"/> A-Z word index	<input type="checkbox"/> Diskette <input type="checkbox"/> CD <input type="checkbox"/> E-mail	<input type="checkbox"/> ASCII <input type="checkbox"/> E-Transcript <input type="checkbox"/> Other
DAILY: Delivered following adjournment and prior to the normal opening hour of court on the following morning, whether or not it actually is a court day.	\$6.05 per page	\$12.00 per page	\$9.90 per page	<input type="checkbox"/> Full Size <input type="checkbox"/> Condensed <input type="checkbox"/> A-Z word index	<input type="checkbox"/> Diskette <input type="checkbox"/> CD <input type="checkbox"/> E-mail	<input type="checkbox"/> ASCII <input type="checkbox"/> E-Transcript <input type="checkbox"/> Other
14-day Transcript: To be delivered within 14 days after receipt of this order.	\$4.25 per page	\$9.90 per page	\$6.60 per page	<input type="checkbox"/> Full Size <input type="checkbox"/> Condensed <input type="checkbox"/> A-Z word index	<input type="checkbox"/> Diskette <input type="checkbox"/> CD <input type="checkbox"/> E-mail	<input type="checkbox"/> ASCII <input type="checkbox"/> E-Transcript <input type="checkbox"/> PDF <input type="checkbox"/> Other
HOURLY: to be delivered within 2 hours of proceeding.	\$7.25 per page	\$12.00 per page	\$9.90 per page	<input type="checkbox"/> Full Size <input type="checkbox"/> Condensed <input type="checkbox"/> A-Z word index	<input type="checkbox"/> Diskette <input type="checkbox"/> CD <input type="checkbox"/> E-mail	<input type="checkbox"/> ASCII <input type="checkbox"/> E-Transcript <input type="checkbox"/> Other
<b>15. DISTRIBUTION: This form should be electronically filed. Notice will automatically be distributed to court reporters and all parties.</b>						

Revised 07/1/2014

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

THE LANCE AND LINDA NEIBAUER  
JOINT TRUST, by and through LANCE  
NEIBAUER, as trustee,

Plaintiff,

v.

MICHAEL J. KURGAN, an individual,

Defendant.

Case No. 6:14-cv-01192-MC

ORDER

MCSHANE, Judge:

In a December 16, 2014 order, the Court granted plaintiff Lance and Linda Neibauer Joint Trust's motion for summary judgment. Plaintiff was awarded \$13,896.39 on its breach of contract claim and \$46,730.36 on its intentional interference with contract claim. The opinion noted that the Trust was also entitled to costs and prejudgment and post-judgment interest. The court then issued a judgment in favor of plaintiff. See ECF No. 46.

The Trust now moves to amend or supplement that judgment. ECF No. 50. Defendant Michael J. Kurgan did not respond to the Trust's motion, and the time to do so is passed. The

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Trust seeks costs of \$1,438.04, prejudgment interest of \$2,388.99, and post-judgment interest of \$.406 per day, beginning December 17, 2014 and compounded annually.

Costs are generally allowed to the prevailing party, in this case the Trust. Fed. R. Civ. P. 54(d)(1). The Trust includes a Bill of Costs, ECF No. 48, and a declaration in support, ECF No. 49. All of the requested costs are recoverable by the prevailing party. *See* 28 U.S.C. § 1920. The Trust is therefore awarded \$1,438.04 in costs. The Court agrees that the Trust is entitled to prejudgment interest of 9%. The Trust is awarded \$2,388.88 in prejudgment interest as identified on pages three and four of the motion. *See* ECF No. 50. The Court agrees that the Trust is entitled to post-judgment interest at .23 percent (of \$64,453.67) per annum, compounded annually. The Trust is therefore awarded \$148.24 annually, which equals \$.406 per day beginning December 17, 2014.

The Trust's motion, ECF No. 50, is GRANTED.

IT IS SO ORDERED.

DATED this 9th day of April, 2015.



Michael McShane  
United States District Judge

2-ORDER

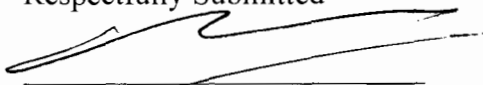
**MICHAEL J. KURGAN**  
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MOLLY C. DWYER  
Clerk of the Courts  
Attn: Appeals  
THE JAMES R. BROWNING COURTHOUSE  
95 7TH STREET,  
SAN FRANCISCO, CA 94103

CLERK OF THE COURT OF APPEALS

Pursuant to the order of the Court, Defendant / Appellant Michael J. Kurgan hereby informs the Clerk and this Court that he will be pursuing his appeal and travelling under the attached amended notice of appeal in lieu of his original notice of appeal, as the Court has now rendered an order granting the Plaintiff Appellee's motion to amend or supplement that Judgment (ECF 55).

Respectfully Submitted

  
\_\_\_\_\_  
Michael J. Kurgan

Cc: MARKOWITZ, HERBOLD, GLAD & MEHLHAF, P.C.  
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